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The War and Political Theory

III. NATIONALITY AND NATIONALISM.*

THE growing importance of the problem of nationality, a problem so long passed over in silence or just touched upon in the leading textbooks of political theory, serves as one more inducement to revise our traditional method. For undoubtedly it has become necessary for the statesmen of the world to apply new categories, or rather to stress things hitherto little thought of in international relations. From the beginning of the war the problem of nationality has been coming more and more into the foreground. Early in August, 1914, the French Government proclaimed that it is making a distinction between the Germans and the Hungarians on the one hand, and between the subject nationalities of Germany and Austria-Hungary on the other hand. The British Government has repeatedly declared that it is fighting for the freedom of nationalities:

“ . . . We shall never sheathe the sword which we have not lightly drawn until Belgium recovers in full measure all and more than all that she has sacrificed, until France is adequately secured against the menace of aggression, until the rights of the smaller nationalities of Europe are placed upon an unassailable foundation. . . . ”

This was the declaration of Mr. Asquith in his famous Guildhall speech on November 9, 1914.¹

The same principle of nationality was emphasized, nearly two years later, by Sir Edward Grey:

“What we and our allies are fighting for is a free Europe. We want a Europe free, not only from the domination of one nationality by another. . . . ”²

And the principle of nationality, adhered to also by Italy, was finally formulated by the President of the United States both before and after the United States had found herself at war. In his address to the Senate on January 22, 1917, the President said:

* See September issue of this Review.

¹ The Times (London), November 10, 1914, p. 10, col. 5.

² War Supplement, History Teacher's Magazine, January, 1918, p. 47.

" . . . I am proposing, as it were . . . that no nation should seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful. . . ."³

The President reiterated the principle of nationality as one of the things for the recognition of which the United States was entering the war.

" . . . we are glad . . . to fight . . . for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. . . ."⁴

And a few days ago, in defining America's war aims, he again specified:

" . . . that all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world. . . ."⁵

This recognition of the truth and value of the principle of nationality is all the more edifying since it is not only the writers on political theory that have refused recognition to an obvious fact. We have been told by historians of all the evils entailed by nationality.

"By its fatal entanglement with discordant nationalist ambitions, the democratic-nationalist revolution" (of 1848) "was doomed to destroy itself in a conflict of nations . . ."⁶
" . . . a sense of nationality could fatally choke an aspiration for democratic government. . . ."⁷

To make things worse, there has been a good deal of confusion as to just what is meant by nationality. What I should call nationality is confused with something different which may best be termed nationalism; and there is in the minds of even some of the honest and whole-hearted supporters of Allied policy by no

³ New York Times, Jan. 23, 1917, p. 1, col. 6.

⁴ The President's address to Congress April 2, 1917, New York Times, April 3, 1917, p. 1, col. 5.

⁵ The President's address to Congress February 11, 1918, New York Times, February 12, 1918, p. 1, col. 6.

⁶ Hayes, A Political and Social History of Modern Europe, Vol. II, 133.

⁷ Id., 149.

means a clear conception as to how the principle of nationality will square with the aims of the world peace and world organization. It is to these subjects that the present discussion will be devoted.

It may be well to start by speaking of nationality. As the word is commonly used in this country, and even in England—a usage violently opposed by the scholars belonging to the oppressed nationalities, such as Poles, Bohemians (Czechs), and Yugoslavs—it may simply mean the legal aspect of nationality, that is, the fact that one is the citizen or the subject of a given country or ruler, for instance, that one is a British subject, or an American citizen, or “belongs” to the German Empire.⁸ As distinguished from this legal sense, nationality in the psychological sense is the nationality of the Poles, the Czechoslovaks, the Yugoslavs, the Italians of Italia Irredenta, that is, those who as the people of Trieste or the Trentino are legally the subjects of that same Austria they want to see destroyed.

What is the criterion of this psychological nationality? It is not necessarily the fact that one belongs to a given state. Undoubtedly the foundation of American and Swiss nationality is the fact that one is an American or a Swiss citizen, but the majority of Austrian citizens would distinctly deny that theirs is the “Austrian” nationality and would give as their nationality Bohemian, or Polish, or Rumanian, and so forth.⁹ The same would be true of the Poles who are subjects of Prussia, the Alsatians and Lorrainers, the Danes of Slesvig, with regard to a question whether they are of German nationality. And, again, the same attitude would be taken by the Poles who are subjects of Russia.

Is, then, nationality based on race? By no means. First of all, we are told that there is no such thing as a pure race. It would indeed be difficult to disentangle on the basis of race the

⁸ E. g., Hall, *International Law*, 7 ed. (1917), 233 ff.; cf. id. 122, note 1.

⁹ The “fundamental statute of December 21, 1867, on the general rights of the citizens of the kingdoms and countries represented in the Reichsrat,” still in force, declares in Art. 1 that “for all those belonging to the kingdoms and countries represented in the Reichsrat there exists a general Austrian citizenship” (this is one of the very few cases in which the word “Austrian” is used in such a statute); Art. 19 proclaims that “all the racial groups (*Volksstämme*) of this state have equal rights and each racial group has an inviolable right to preserve and develop its nationality and language” (Bernatzik, *Die Oesterreichischen Verfassungsgesetze*, 2 ed., 1911, pp. 422, 426).

problem of nationality in Central Europe where the most patriotic Poles and Bohemians will sometimes have German names, while among the important leaders of Germany will be found men with Slav, French, or Italian names. And what is the English race?¹⁰ What is the scientific criterion of race to be used in distinguishing Englishmen from Americans, Welshmen from Irishmen, even men supposedly English from those who are said to be Scotch or Welsh? What, again, will be the racial distinction between Poles and Bohemians?

Shall we say that religion is a criterion? Religion has indeed been used by the Hapsburgs to distinguish between the Serbs and the Croats, the former Orthodox, the latter Catholic, but both speaking the same language, though the difference of religion has brought with it the use of the Cyrillic (Slavonic, similar to the Russian) alphabet for the Serb and the Latin for the Croat.¹¹ Are there not both Catholic and Protestant Germans? And what of the religions in the United States? In Switzerland? In Holland? In England?

Neither can it be said that common territory is the foundation of a common nationality. The so-called nationally mixed districts, such as parts of the Balkans, certain districts of Bohemia, and of other countries show the true conditions to be different. There is a strongly realized bond of union between the Poles born in Prussian or Russian or Austrian Poland and between the Poles who have been forced to emigrate to Westphalia (including their children), whereas there is a feeling of national difference between the Poles and the few Russians in Russian, or the Germans in Prussian Poland, or Westphalia. But then, again, language itself is by no means an indication of a common nationality, as witness the English and the Americans, the French and the French-Swiss who speak the same language respectively, on one hand, the French-Swiss and the Italian-Swiss, the Walloons and the Flemings (so unsuccessfully claimed by the Germans in Belgium) on the other hand.

At the basis of nationality there need not even be common

¹⁰ Quiller-Couch, *The Art of Writing*, ch. VIII, IX.

¹¹ Among the most insidious designs is the election of the members of the diet of Bosnia-Herzegovina, under the constitution imposed by the Hapsburg Francis Joseph in 1910, by electoral colleges divided on the basis of religion (they are Catholic, Mohammedan, or Orthodox). See the ordinance relating to elections, of February 17, 1910, section 5, Bernatzik, *Die Oesterreichischen Verfassungsgesetze*, 2 ed. (1911), 1051.

traditions. The aristocracy of Poland and Russia would in many cases have traditions more in common with the aristocracy of France or England than with the Polish or Russian peasants, and, similarly, a common literature is not the essential bond of union, because in many cases the uneducated classes do not know the literature of their nation and educated men enjoy the literature of countries other than their own almost or quite as much as theirs.

There is, then, no one external criterion which could suffice in all cases. The real criterion is purely psychological, that is, the individual is conscious of belonging to this, that, or the other group. This psychological criterion was formulated first, I believe, in the early fifties by Mancini (the Italians having led the democratic and national regeneration of Continental Europe in the nineteenth century in so many ways).¹² From the nature of this criterion it follows that the limitations on the feeling of nationality depend on the importance which in the consciousness of the individual attaches to one or the other element which he has in common with others. He may, for instance, consider his religion more important than other elements of his make-up and feel more closely united by religious bonds with men of the same faith though of a different nationality than with men speaking the same language, descended from the same stock, brought up amid the same national traditions, but professing a different faith. His class interests, or simply his economic condition, may seem to him more important than national ideals, and he may feel a member of the international, or better, unnational fighting proletariat or high finance rather than make sacrifices for his nationality. Similarly, one may attach most importance to family and traditions in the sense that while one would consider it no shame to marry a foreigner of equally "good" blood there would be ignominy in marrying one's countryman or countrywoman of humbler birth.¹³

¹² The same idea is adhered to in that splendid book on "The Problem of National Policy" (*Zagadnienie narodowej polityki*) by my dearly beloved teacher, Professor Józef Milewski, who died in exile during the present war, the staunchest exponent of the idea that Poland's independence could be brought about only through an absolute defeat of Germany and Austria, and, therefore, through an Allied victory.

¹³ This rule prevails among most of the European dynasties; in the majority of cases the marriage with a person not belonging to a family which rules or has once ruled results in a degradation of the issue of the marriage, and sometimes even of the prince or princess who enters into such

The explanation of this psychological phenomenon of nationality is not difficult. One of its component elements is undoubtedly the feeling of solidarity with those by whom we have been surrounded from the first. Yet this element should be properly understood. There will naturally be a feeling of solidarity with a foreign-born fellow-national rather than with an alien bred in the same country. This is particularly true where legal nationality does not coincide with psychological nationality, for instance, in the case of Poland or Bohemia. Indeed, the German born and bred in Bohemia is to the Bohemian (Czech) the very enemy of enemies. The feeling of solidarity as a foundation of nationality finds additional emphasis in the natural attachment one has for the country of one's origin, for one's language, one's customs, the traditions which have been instilled into one since one's youth. Here nationality is only one instance of an ever-recurring experience,—we think fondly of the house we have known since our childhood, the street, the city or village. In the United States there is similarly that attachment to one's original state as against any other state in the Union, and yet that does not prevent one's attachment to the whole country.¹⁴ Solidarity is so much the natural trait of mankind, that we often feel ourselves more at one with those travelling in the same compartment of a street car than with those in the next compartment; we speak of "our car" and "your car." Similarly, there may be a sense of half-jocular and half-serious antagonism between the inhabitants of different streets or different parts of a city, a country, or a state.

Another characteristic feature of the psychological phenomenon of nationality is that given certain conditions it is all the stronger in the face of oppression. There is a trait of proud chivalry in the human mind, an inclination to sacrifice oneself for an ideal. This is another result of the instinct of solidarity. We stand by other men in the name of solidarity, chivalry toward women is in most cases subconsciously derived from a care for the good of

an "unequal" marriage. The existence of numerous dynasties in Germany (twenty-two of whose twenty-five states are monarchies, while many other families, though "mediatized" now, did rule over territories in years gone by) accounts for the fact that there are only some two or three ruling houses in Europe which are not either of German descent or related to German ruling houses.

¹⁴ The admirable habit of cities, counties, and states within the Union, of vying with one another in subscribing to the Liberty Loans, is a fine example of a wholesome "local patriotism."

the race, and we consider our own suffering less important than any harm to the cause of the ideals which we have cherished in common with others. Hence, nationality is essentially a non-economic feeling, in many cases the victims of nationalistic persecutions could enjoy much more material prosperity if they submitted to their oppressors. This is true, for instance, of the Poles in Prussia and in Russia. Similarly, the heroic resistance of the Belgian people to the German invasion, and then the resistance of every individual to frightfulness has been a fact in spite of the inducements offered to individuals who would betray the cause of Belgium and with it that of civilization. The feeling of nationality has at its foundation no selfishness, while even religion is based on a hope of reward here or in the Great Beyond, or on the fear of damnation or other punishment. Nationality is not even group selfishness, as has been thought. The great struggles for national liberty in the eighteenth and nineteenth centuries were fought by people who struggled "for our liberty and yours" and who again and again emphasized the common cause of human liberty (Kosciuszko, Pulaski, Mazzini, and others).

The psychological explanation of nationality will make it clear that in the case of each individual the attachment to his nationality (whatever its foundation) will be stronger or weaker according to the history, the character, the experience, the training of the individual. A man who has travelled much will attach less importance to small points which will seem paramount to a provincial or insular person. From a man who has come into contact with different groups of men and who has seen different countries we expect what is called a "broader view"; and we speak approvingly of endeavors to give the little ones what we call education in a broad and generous spirit.

And it is also clear from the psychological character of nationality that it has been neither a nineteenth century growth nor a principle "believed in" in the nineteenth century more fervently than at other times. Its basis is certain natural traits of the human character, and human character did not originate in the nineteenth century. It is enough (without mentioning antiquity) to survey the history of the Middle Ages to remember how in England, nationality, the attachment to the English language, and to English institutions, were manifest; how at the same time

the movement led by Joan of Arc in France was a national one (the English and the French were equally Catholics). Again, in Poland the struggles against the Teutonic Knights were essentially struggles for the preservation of Polish nationality against German aggression;¹⁵ in Bohemia at the very same time Jan Huss was the leader of the Bohemian national movement as much as he was a religious reformer;¹⁶ and early in the fifteenth century German professors and students left the University of Prague because of its national character.¹⁷ It is true that, particularly in Germany, the feeling of a common nationality had been largely dimmed by the existence of innumerable small "sovereignities," so that the German princes could for instance combine with foreign princes (the rulers of France or Sweden) against other German princes, and the princes were blindly followed by their peoples. But it would be an injustice to mankind to blame it for the German lack of political genius. Similarly, ever since the destruction of the old Roman Empire, Italy had been split into a number of political units of various sizes, due mainly to foreign, primarily German, intrigue. But here again it would seem wrong to assume that it was not until the nineteenth century that Italian national feeling was developed. For what happened in the nineteenth century was simply that broader masses of the population were admitted in all countries to government.¹⁸ Hence the dynastic interests had to give way more and more to the wishes of the nations. And there is no doubt that the attempts to discredit nationality have been due directly or indirectly to a desire to avoid the destruction of such unnatural political units as Austria-Hungary (a creation of the Hapsburg dynasty kept in subjection against the will of the different nation-

¹⁵ The Teutonic Knights (sometimes called the Knights of the Cross; their black cross in a white field is still reproduced on the German flying machines), the ancestors of modern Prussia, extolled so highly by modern German leaders (Treitschke, *Historische und politische Aufsätze*, II, 3 ff.) conducted their wars against Poland on a basis of extermination. One of the complaints against them to the Pope charges them with having behaved during the war of 1431 in such a way as if they were trying to "exterminate (those who were speaking) the Polish language" (*quod lingwagium Poloniale exterminari deberet*), Lewicki, *Codex Epistolaris saeculi XV*, II. 303 (October, 1432).

¹⁶ Lützow, *Bohemia*, 93-96, 98.

¹⁷ *Id.*, 98.

¹⁸ Where, as in England, a greater measure of popular government existed before, the national feeling was a more important factor in politics.

alities), or to avoid the taking away from Germany of those territories (Alsace-Lorraine, Danish Slesvig, Prussian Poland) which are kept by Germany in direct violation of the principle of nationality. There has, in other words, always been, and there must be, a connection between democracy and nationality. The recognition of democracy entails the recognition that everybody can choose his own nationality and help develop it.¹⁹

But nationality is not nationalism (sometimes called chauvinism). Nationalism (chauvinism) is a distortion of nationality just as bigotry is a distortion of religion, and just as covetousness and miserliness are distortions of thrift. There are men who take advantage, for their selfish purposes, of the devotion to nationality just as impostors can and will take advantage of charity. In the case of the individual, the man in the street, nationalism may be a spirit of exclusiveness (the Chinese wall; all primitive dislike of strangers except in places where there is need of hands or brains, that is, in newly colonized territories with many opportunities and much need of human co-operation). Such exclusiveness may be perfectly peaceful, it may be just a desire to keep away from outsiders, or it may be that characteristic German pacifism so well described by the Roman historian: "they make a desert round their districts and they call it peace." The exclusiveness is usually accompanied by a feeling of superiority and a more or less strong contempt for all the others. This results from the often natural dislike of the unknown, even a fear of the unknown not exclusively peculiar to men (the dog is a very interesting example). And, finally, nationalism in the case of the individual may amount to a desire of conquest "for the nation," of subduing other peoples, getting commercial opportunities for each individual, imposing one's civilization, or preferably one's Kultur, on others: it is not a case of wishing to contribute to the common civilization of mankind, but of compelling others to accept what one considers best.²⁰

¹⁹ The recognition must of course not only exist on the paper, as in the "Austrian" statute of 1867, *supra*, n. 9.

²⁰ No more eloquent indictment of German nationalism could be found than that contained in the answer to Theodore Mommsen's battle cry for the Germans of Austria against the Slavs, by Professor Oswald Balzer of the University of Lwów: "... To a great part of the German peoples, the interests of culture have always been associated with the State interest, i. e., the State interest has been in the first place. They carried civilization to the Slavonic East to gain for themselves political advantages, and they

Nationalism is the case of the leaders and agitators may indeed have economic motives. It may be founded on a desire to secure better positions,²¹ to promote one's newspaper by appealing to the masses, it may be based on a wish for more territory as industrial hinterland (Bosnia and the rest of the Balkans as Austrian aim), or for economic investments or possessions (German-owned coal mines in Silesia and German landlords in the Russian Baltic provinces); nationalism in economics may particularly appeal for economic barriers (tariff walls) so as to promote the industrial exploitation of the inhabitants of the given territory. But apart from the economic motive, the leaders may be actuated by a political motive, the desire to call attention to a need of defense in order to divert attention from internal conditions, or even in order to maintain and increase a strong fighting machine (Prussian militarism).

Thus nationality, on one hand, is essentially human. If "human society is intended to facilitate co-operation and lead to everybody's happiness with everybody's help," if "this is the recognized aim of democracy," then a recognition of nationality is essentially democratic.

On the other hand, nationalism is, with the honest individual, forgetfulness or a degeneration of social solidarity; in the case of the leaders it is taking advantage of individuals in the interest of an economic or political autocracy or aristocracy.

The present war has lasted long enough to make the individualistic method in political science come to the fore again. And all the time, in spite of each and every theory that has made us

did not hesitate to give up the cause of culture wherever their own egoistic political interests required some sacrifice. Politicians and Germanizers, in a higher degree than civilizers, they perpetually identified the idea of culture with the idea of their own State and their own nationality; they believed and wished to persuade the world—they even wanted the world to believe them—that the way to civilization leads only through Germany, and that there can be no better fortune for other peoples than to attain by that way to greater perfection. . . ." These words of Prof. Balzer were written and published in 1897. They thrilled the Slav world, but who in the west of Europe or in America has known of them? And yet the present war is another illustration of the same truth. Cf. Poland, Prussia, and Culture, Oxford Pamphlets, 1914, no. 37, p. 26.

²¹ The Prussian East March Association (Ostmarkenverein), a society the object of which is to promote the Germanization of Poland, secures good positions and much influence for those whom it uses to carry out its abominable work. The Prussian state officials in the Polish provinces receive a special bonus if they behave in a way satisfactory to the Government—it is easy to imagine what is meant by this condition.

forget the problem of nationalities, the human element, the importance of nationality, will come out. That is why President Wilson referred long ago to the necessity of a "united, independent, and autonomous Poland,"²² That is why the Czechoslovaks,²³ and the Poles,²⁴ and the Rumanians, and the Yugoslavs,²⁵ and the Greeks, and all those others have been again and again in the foreground of war discussions. Something must have been wrong with the old political system. And that is why, as President Wilson declares,

" . . . all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism. . . ."²⁶

There will have to come a reconstruction of Europe on national lines, that is, legal nationality will be made to square as much as possible with psychological nationality. Yet we must recognize that there is no such thing as a perpetual arrangement of political organization. The latter depends entirely on the developments in human psychology, and hence, seeing that every organization is a set of ideas, a change in the ideas of men composing the different groups will produce a change in the organization. There is now, and there will be more and more of, a tendency to a better mutual understanding and friendship between the different groups. Nationality is based on a number of human instincts common to mankind. But for this same reason the extent and intensity of the national feeling may vary according to the education and the inclinations of the individual. This is where a common basis for a much better mutual understanding can be worked out. And we realize that this better understanding will result in some common organization.²⁷

²² The President's address to the Senate, January 22, 1917, New York Times, January 23, 1917, p. 1, col. 6.

²³ They have now been recognized as an allied nation by the United States.

²⁴ On October 16, 1918, the British Government, according to an official announcement, declared that it had "recognized the Polish national army as autonomous, allied, and co-belligerent."

²⁵ See the declaration of Corfu in Butler's introduction to Savic, South-eastern Europe. The United States Government has proclaimed its recognition of the Yugoslav aims.

²⁶ The President's address of February 11, 1918, New York Times, February 12, 1918, p. 1, col. 6.

²⁷ The elimination of German propaganda will be a great step in that direction. It will dispel the general ignorance of the different countries

" . . . and then the free peoples of the world must draw together in some common covenant, some genuine and practical co-operation that will in effect combine their force to secure peace and justice in the dealings of nations with one another The nations must realize their common life and effect a workable partnership to secure that life against the aggressions of autocratic and self-pleasing power. . . ."²⁸

And that means, that the war will also result in something that will lessen the danger of nationalism. The international organization should first of all prevent struggles between local organizations, and where such struggles be inevitable, it should make them less acute, it should make possible their peaceful adjustment; it should subject such adjustment to strict rules, just as now the conflicts between the states in the Union, or between cities or corporations, are adjusted by litigation where formerly they would have resulted in bloody wars. That common organization should make arrangements above all for the peaceful adjustment of national disputes in those nationally mixed districts the existence of which with the best will in the world it will be impossible to avoid. For such districts there should be laid down rules guaranteeing certain rights to the members of the national minorities, and entitling each individual member of a national minority to complain directly before the central common court against his own government in cases of infringement of such rights. In other words, it would be the individual and not the group as represented by its government, that would enjoy protection before the international court.

Thus the war may result in a closer union, not of nations as abstract "states," but of the individuals of different nationalities. Their union will be closer, hence nationalism will be less likely to develop. The union will be closer legally, and hence there will be less possibility of an unwarranted aggression. The union will be closer politically, psychologically, hence men in different countries will take more interest in one another, the schools will or should give the children a broader point of view, and there will or should be less chance for narrow-mindedness.

of Europe, it will show that their problems are not as complicated as might appear at first. It will make the teaching of history broader and truer, and the east of Europe will no more be looked at "through German eyes."

²⁸ The President's message to Russia, New York Times, June 10, 1917, p. 1, col. 6.

The individual still remains the basis of our investigation. His national feelings will be respected. But his associations will be wider. His patriotism will not interfere with his feelings for humanity just as his local patriotism does not now interfere with his love of his country.

IV. INTERNATIONALISM.

Our observations so far have resulted in the statements that, negatively speaking, the present theory of the state and of sovereignty does not explain the actual phenomena of life and is, therefore, unnecessary. Furthermore it is not useful, but harmful, because it attributes supremacy to the so-called will of the state, which means a man or a group of men claiming to act on behalf of the abstract state. Positively speaking, we have assumed that all explanation of the phenomena of political life must start with the individual, that our study is in fact a study of applied psychology, that we aim at discovering fundamental rules governing the conduct of individuals. Having observed the social instinct, one result of which is the feeling of solidarity, we try to establish the degrees of the latter in different circumstances of human life. We have assumed that all human society is intended to facilitate human co-operation and to lead to everybody's happiness with everybody's help; and we maintain that all progress consists in making conflicts, not only between individuals, but also between groups, less acute, and if possible preventing them, otherwise adjusting them. We have tried to show that nationality as a feeling of individuals will have to be the basis of reconstruction, but that steps will have to be taken to prevent nationalism and to make possible a peaceful co-operation of individuals forming different groups. We must try to find, then, whether there exist already ties of solidarity between men now belonging to different groups, and if so in what way such ties can be strengthened. In other words, we must see in how far we can help the social instinct positively by widening the scope of co-operation between men, and negatively by preventing, adjusting, or smoothing conflicts between men and groups of men.

And there certainly does exist a demand for some decisive steps. Let us listen again to the words of President Wilson:

"... and then the free peoples of the world must draw together in some common covenant, some genuine and prac-

tical co-operation that will in effect combine their force to secure peace and justice in the dealings of nations with one another The nations must realize their common life and effect a workable partnership to secure that life against the aggressions of autocratic and self-pleasing power. . . ."²⁹

We must find, then, what psychological internationalism consists in today, how it can be furthered, what form of international organization (legal internationalism) there is, and what form of it must or should come.

There is a positive and a negative side of psychological internationalism. Positively speaking, it is a realization and a tendency. Consciously or otherwise, we act on the assumption that men outside our own group are men nevertheless. We adopt their ideas (imitation), and the more so, the closer our conditions resemble theirs, the fewer differences, the more similarities there are between them. Hence people who speak foreign languages can get along easier with foreigners, people with education understand other people's ideas as embodied in their social life and expressed in their literature. Hence, also, the closer the intercourse between two groups the more will they influence one another, because their ideas are being exchanged and their conditions of life are becoming similar. Hence, also, as civilization advances, the ideas which further our common aim best are imitated more readily and more easily. And if we want to notice the similarities rather than emphasize the differences, we shall be struck by the great number of common institutions. If we think of the common ideas underlying in different countries the organization of railroads, shipping, schools, police forces, and so on, and if we notice how far distant provinces of the same "state" differ from one another, but resemble the neighboring parts of other "states,"³⁰ if we realize the common interest of civilized mankind in masterpieces of art, in literature, in learning, then indeed shall we be able to understand that those common ideas in organization and those common masterpieces do belong already to more than one group, that they belong to all civilized men. And the realization of this is one phase of psychological internationalism. But psychological internationalism

²⁹ *Id.*

³⁰ Compare the relations between Canada on the one hand, and the United States and England on the other hand.

on its positive side consists also in a tendency. It is the tendency to make possible the co-operation of wider and wider groups, to facilitate an interchange of ideas, to bring about such common standards of behavior as will make conflicts less acute and will enhance a co-ordination of the efforts to ensure common human happiness.

As a result of this tendency it has been necessary to give it a legal expression by concluding international agreements as to copyright, patents, railroad traffic, the postal service. A result of the same tendency is observed in the international congresses of learned men and in the international associations of workmen or business men, in the mutual influence of the stock exchanges in different countries, in the fact that commercial or industrial concerns establish branches in different countries.

And it is as a result of this tendency that the migration of students and teachers from the universities in one state to those in other states is being encouraged, and has been encouraged since learning began to attract men. Those ancient Greeks who visited foreign countries in order to learn, those mediaeval scholars who wandered to different universities, those students who go to far-off countries in quest of knowledge and of a new point of view were, just as the modern students going abroad are, the means of bringing about a better understanding of foreign ideas. Today, in view of the advance the world has made in the meantime, that migration of both teachers and students should be, and is being, encouraged more and more.

There is, however, also a negative side to psychological internationalism. It consists in a recognition that once international solidarity, the solidarity of mankind, is accepted as a basis, everything that tends to weaken it must be defeated. Hence those who try to subjugate or even disturb other groups in the name or for the benefit of a dynasty, a group, or even a combination of groups, must be fought against or else that solidarity will not be realized.

This is what probably will be the fate of the German people:

"The worst that can happen to the detriment of the German people is this, that if they should still, after the war is over, continue to be obliged to live under ambitious and intriguing masters interested to disturb the peace of the world, men or classes of men whom the other peoples of the world could not trust, it might be impossible to admit them

to the partnership of nations which must henceforth guarantee the world's peace. That partnership must be a partnership of peoples, not a mere partnership of governments. It might be impossible, also, in such untoward circumstances, to admit Germany to the free economic intercourse which must inevitably spring out of the other partnerships of a real peace. . . ."⁸¹

Similarly, those who directly help such enemies of the solidarity of nations or who refuse to help against⁸² them, lose all right to help from others, such as would ordinarily be the effect of human solidarity. For to help them would be to waste efforts which should be used for promoting the solidarity of mankind.

Negatively speaking, psychological internationalism also consists in not allowing antiquated conceptions, legal phrases which have outgrown their usefulness, such as "sovereignty," to prevent us from devising new legal forms which would express and promote international co-operation. We must realize that there is in international relations that same evolution that President Wilson has told us has come about in the national life of this country:

"... as our life has unfolded and accumulated, ... the whole nature of our political questions has been altered. They have ceased to be legal questions. They have more and more become social questions, questions with regard to the relations of human beings to one another, not merely their legal relations but their moral and spiritual relations to one another. . . ."⁸³

And such legal questions are the questions of sovereignty, of state rights, and the other questions which have made possible the cutting up of the world into a number of states some of which, like Austria-Hungary, Germany, and old Russia, are just so many prisons.

Psychological internationalism, then, takes men everywhere for the basis of their relations with one another. Men form groups; but no one group, whether it be a dynasty, or a class, or a nation, e. g., Germany, or a religious community, (e. g., the Moslems) may be allowed to claim special rights for all its members.⁸⁴

⁸¹ The President's address to Congress, December 4, 1917, New York Times, December 5, 1917, p. 1, col. 4.

⁸² Pro-Germans, apologists for Germany and her crimes, etc.

⁸³ The President's address before the National Suffrage Association, Sept. 8, 1916, New York Times, September 9, 1916, p. 2, col. 5.

⁸⁴ In laying down the principles of a League of Nations the President

This does not mean that individual men may not in life prove in this, or that, or the other, respect, the superiors of others. It does not mean that ideas evolved in one group, whether political ideas, or literature, or science, may not prove more valuable to mankind than a set of ideas evolved in another group. But no group may from the outset be logically allowed to claim the leadership or superiority in the community of nations. Any internationalism which would allow such *a priori* leadership would be a mere pretence. Such a pretence was Marx's appeal to the proletarians of all countries to unite, because from the very Communistic Manifesto in which it appeared it was clear that Germany was to be the leader—a fact which explains the pro-German leanings of the so-called international social democrats—and within that same Germany, as we now know, it was not even monarchy as such that the Marxian school wanted to fight against, but only absolute monarchy.³⁵ In other words, a pretended constitutional monarchy in Germany would be looked up to as the leader of the world. The results and meaning of that doctrine can be seen now in the World War. Is that internationalism?

Again, internationalism need not consist in doing away with the feeling of nationality in the individual, any more than patriotism does away with the attachment to one's city or one's house or one's family. In fact, differentiation and integration have been proceeding all along and at the same time in the development of mankind, just as in the development of individual states and other groups.

It is also a mistake to think that psychological internationalism may be based only, or mainly, on class, or, to be more outspoken, on economic interests. The "international union of proletarians" just as an international union of industrial magnates or of landlords, would and could only be the realization of the community of one among the many common interests between the different groups of men.

In general, psychological internationalism consists in the

said, on September 27, 1918 (New York Times, September 28, 1918, p. 1, col. 4): "... no special or separate interest of any single nation or any group of nations can be made the basis of any part of the settlement which is not consistent with the common interest of all. . . ."

³⁵ See Hayes, *The History of German Socialism reconsidered*, American Historical Review, October 1917.

recognition of human solidarity, of a community of civilization (that is, of the system of ideas intended to smooth and adjust the conflicts of men, be they conflicts with nature or with other men), of a community of interests, and of the usefulness of co-operation in serving them.

Psychological internationalism is a realization and a tendency. To profit from the realization, and to further the tendency, is the object of legal internationalism, that is, of an international organization.

How much of the latter is there now? At present the system of international law is based on the conception of the "states" as units. International law is the result of agreements or understandings between states, that is, in fact, between their governments. In theory, and in many cases in practice, the treaties are simply contracts between "sovereigns" or "heads of states," even if (and this is a matter of the constitution of each "state," in other words, a matter to be decided by the political forces in each state) the consent of the legislative body be needed for the ratification of such treaties. In many cases the "state" has meant simply the ruler, or a clique behind him. But then, even that limited international law has been binding upon a "state" only if the state explicitly or implicitly agreed to be so bound.³⁶ And more than that, the German theory of the omnipotent state has been emphasizing that, if the existence of the state was threatened, international law would have to give way. For according to that theory the states do not exist for the sake of international law, but international law for the sake of the states. Moreover, the "state is higher than any single rule of law."³⁷

The consequences of this state of affairs have been, generally speaking, just what Hamilton described them as being in the case of the Confederation of the thirteen states:

" . . . The great and radical vice in the construction of the existing Confederation is in the principle of legislation for states or governments, in their corporate or collective capacities, and as contradistinguished from the individuals of which they consist . . . the consequence of this is, that though in theory their resolutions concerning those objects are laws, constitutionally binding on the members of the

³⁶ E. g., Hall, *International Law* (7 ed.), 1917, 17.

³⁷ Jellinek, *Allgemeine Staatslehre* (2 ed.) 1905, 366.

Union, yet in practice they are mere recommendations which the States obey or disregard at their option. . . . ”³⁸

These have also been the consequences of the present state of international law. Only in the case of international law the violations have been even more flagrant. And in addition, the position of the individual, especially in Central and Eastern Europe, has been deplorable. Legally speaking, the individual has been supposed to “owe allegiance” to a particular state or sovereign who owed his power to conquest, or to bargains with some other rulers, or to rules of inheritance of countries as if they were pieces of land. That rule of allegiance, or of “nationality,” in the legal sense of the word, has, in a measure, been a relic of former ages, namely, of the conception of feudal fealty and the conception of belonging to a tribe in which one had been born. Yet that feudal fealty was based on a contract concluded by each individual, whereas nowadays men are sometimes supposed to “owe allegiance” to countries which they have never seen and with which they do not want to have anything in common. The individualistic point of view has not as yet been recognized in international law. In international law it is the state and not the individual that is considered as a unit. This works for the benefit of the state, or of the powerful classes in the state. There are, indeed, people owing no allegiance to any country (for instance, some of the Danes in Slesvig). Many aristocrats enjoy citizenship in several countries. The rulers of the different countries in Europe (most of them Germans or of German extraction) are not supposed to be bound by laws of citizenship—indeed it is interesting to note how groups which are exclusive as to their citizenship will submit to foreign-born princes. On the other hand, in the modern world the migration of citizens or subjects to foreign countries has been a fact against which all legislation has proved helpless, much as it has tried to prevent emigration for military reasons. In every civilized country foreigners are now protected, in most of them the admission of foreigners is hardly limited; generally speaking, a foreigner in any civilized country is subject to disabilities only so far as the so-called political rights are concerned, and even those are granted in some American states to men who have only partially complied with naturalization requirements. The *ius soli* in England and

³⁸ The Federalist, no. XV.

America, while still a trace of the old status theory, operates in favor of a contractual conception of citizenship.³⁹ In the case of the British empire, its citizenship is practically a kind of inter-citizenship, and considering the area of the Empire amounts almost to beginnings of an international citizenship.⁴⁰

This being the present state of affairs, what do we want? Let us listen again to President Wilson:

"... In every discussion of the peace that must end this war it is taken for granted that that peace must be followed by some definite concert of power, which will make it virtually impossible that any such catastrophe should ever overwhelm us again. Every lover of mankind, every sane and thoughtful man, must take that for granted. . . . There must be, not a balance of power, but a community of power. . . . Right must be based upon the common strength, not upon the individual strength, of the nations upon whose concert peace will depend. . . . When all unite to act in the same sense and with the same purpose, all act in the common interest and are free to live their own lives under a common protection. . . ."⁴¹

We want, then, a community of power, common strength, to give common protection. That means, first, some common rules as to the establishment and use of that power; secondly, somebody entitled to say when the case provided for by the rules has come about; thirdly, an executive to actually direct that power. How are we going to bring all this about? By international treaties in the old sense? This would, indeed, be no new suggestion.

More than two hundred years ago l'Abbé de St. Pierre suggested a definite organization of the Republic of Europe, with a legislature deciding in certain cases by a majority, with a judiciary, and an executive of its own.⁴² That project of perpetual peace, so much more definite than, and superior to, the much-advertised and overestimated statement of Kant made nearly a century later,⁴³ has

³⁹ McMurray, *Inter-citizenship*, Yale Law Journal, January, 1918, 309, ff.

⁴⁰ *Id.*, 314.

⁴¹ The President's address to the Senate, January 22, 1917, New York Times, January 23, 1917, p. 1, col. 5 and 6.

⁴² An extract from his *Mémoires pour rendre la paix perpétuelle en Europe* (1712-13) was published, with a commentary, by J. J. Rousseau, and was translated recently by C. E. Vaughan (*A Lasting Peace through the Federation of Europe*, London 1917).

⁴³ See Kant, *Perpetual Peace*, trsl. M. Campbell Smith, esp. the remarks on democracy on pp. 125-127.

come to naught. Instead, the conditions as they were in the eighteenth century practice were described by Hamilton in a way which still holds true of world politics to-day:

" . . . There is nothing absurd or impracticable in the idea of a league or alliance between independent nations for certain defined purposes precisely stated in a treaty regulating all the details of time, place, circumstance, and quantity; leaving nothing to future discretion; and depending for its execution on the good faith of the parties. . . . In the early part of the present century, there was an epidemical rage in Europe for this species of compacts, from which the politicians of the times fondly hoped for benefits which were never realized. With a view to establishing the *equilibrium* of power and the peace of that part of the world, all the resources of negotiations were exhausted, and triple and quadruple alliances were formed; but they were scarcely formed before they were broken, giving an instructive but afflicting lesson to mankind, how little dependence is to be placed on treaties which have no other sanction than the obligations of good faith, and which oppose general considerations of peace and justice to the impulse of any immediate interest or passion. . . . "

**44

His words have been proved by later events to have been the very quintessence of wisdom. The attempts he had been observing in European politics were to be repeated; solemn promises and undertakings of Prussia and Germany, of Austria-Hungary, and of the Tsar of Russia, undertakings which resulted from the Congress of Vienna and the Congress of Berlin and The Hague Conferences were to be broken in the face of an incorrigibly surprised and credulous world. Shall the same experiments be the result of the present war?

We want common rules binding on all because they would be just the expression of our common civilization; we want a common court to apply, and supervise the application of, such rules; we want a common executive force to enforce them. We want, for instance, rules as to the abolition of armaments; we want rules abolishing oppression in nationally mixed districts, rules giving every human being a minimum of rights which nobody must violate. We want a superintending power which would co-ordinate the effects of psychological internationalism, the solidarity of mankind.

⁴⁴ The Federalist, no. XV.

Are we, then, to rely on voluntary agreements between "states"?

If not, Hamilton gives us further advice:

" . . . But if we are unwilling to be placed in this perilous situation; if we still will adhere to the design of a national government, or, which is the same thing, of a superintending power, under the direction of a common council, we must resolve to incorporate into our plan those ingredients which may be considered as forming the characteristic difference between a league and a government; we must extend the authority of the Union to the persons of the citizens. . . ."⁴⁵

Here is the essential point in the whole problem of world organization.

In the whole of chapter XV of the *Federalist* Hamilton points out the dangers of the other solution. He shows the tendency to indulge in a spirit of faction and resulting therefrom the eccentric tendency likely to prevail in each local group. He points out that it is natural to man to try to keep his own power, and that hence the central authority would naturally meet with a certain distrust. Therefore, the central authority might have to resort to compulsion. To Hamilton the principle of legislation for states appears as "the parent of anarchy."

But then, if we once admit legislation for individuals and hence the right of the central power to reach over the local groups as such, directly to the individuals within them, and also, once we admit the right of the individual to appeal in certain cases directly to the central judiciary, what is this? Is it not world federalism? A United States of the World?

It would be a pity to be frightened by a word. If that plan should prevail, there would be one common sovereign. There would be rules embodying the principle of the solidarity of all civilized men. Those rules would be common legal rules, they would form a common law of humanity, based on, and an expression of, a common civilization. It is that common law that would be the "impersonal" sovereign, it would charge the common organs with common official duties. There might be a common citizenship, that inter-citizenship suggested by Prof. McMurray:

" . . . it would not be very revolutionary to extend the analogy of interstate citizenship which now exists among the

⁴⁵ *Id.*, no. XV.

states of our Union to an international citizenship among the states of the world. A citizenship in a world state would thus be created, not so very unlike that now existing in the British Empire. Indeed, that situation in practice almost exists to-day. . . ."⁴⁶

And there might be an abolition of that economic inequality which has served as such a powerful promoter of discord and has served groups of profiteers at the expense of mankind. President Wilson has laid down, indeed, as one of his peace conditions:

" . . . The removal as far as possible of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance. . . ."⁴⁷

The obstacles to the realization of the plan are smaller than they would appear at first. There is the question of distance between the different countries; yet modern engineering has reduced distances so considerably that the difficulty of communication in peace time is hardly greater nowadays between any part of Europe and America than between certain states of the Union in 1787. And again, the different states of Europe are closer to one another than Scotland and Australia or even Canada.

There is the question of language; yet Switzerland and Belgium, not to speak of that political monster called Austria-Hungary, have all been states with more than one language.

There is the question of local traditions, local institutions, local peculiarities; but these will not be done away with; national units will form part of the world organization, but will not be hampered in their development except in so far as their actions might run counter to the principle of the solidarity of mankind.

And if we speak of the consent of the governed, it seems likely that those governed will in most countries gladly consent to such a union. That seems true of the different groups in the East of Europe; the different national groups which will arise on the ruins of Tsarist Russia, and the states of the Balkans and those arising from the ashes of Austria-Hungary will in most cases gladly join with the other nations of the world to protect their own existence and to help promote civilization.⁴⁸ I could not say what the

⁴⁶ McMurray, *Inter-citizenship*, Yale Law Journal, January, 1918, 314.

⁴⁷ The President's address to Congress, January 8, 1918, New York Times, January 9, 1918, p. 1.

⁴⁸ Read, for instance, the resolution of the congress of oppressed nations of Austria-Hungary held in Prague in May, 1918, and attended by

attitude of the Scandinavian states and of Holland, Spain, and Switzerland might be, but some of them at least have for decades, in their own interest, been struggling for international friendship and understanding. Of course, measures would be necessary to consider the rôle which would be assigned to Germany, to German-Austria, to what would remain of Hungary, and to their associates, to Bulgaria, and to the small remnant of Turkey. But these are details to be settled without prejudice to the general plan.

And what of the Allies? Has not America, has not the British Empire been one series of lessons in the blessings of federalism in linking together distant parts of the world? By what legal term would one describe to the British Empire? And yet, however much its organization might puzzle German scholars, are those Britishers not fighting heroically side by side—English, Canadian and Australian, Welsh, Scotch, Irish and Boer? Do they not form a union with the French and the Portuguese and the Italians and the Americans, are they not under common command? Shall nothing come out of all the common sacrifices?

There should, there can be no opposition on the part of democracies; there may be on the part of autocracies. A citizen of one country may be a citizen of the world; the subject of an autocrat must be kept under the heel to serve in the army and to pay taxes. There will be opposition on the part of those vested interests that prefer to see "economic barriers."

As was mentioned before, the project of a world organization,

representatives of the Czechoslovaks, Yugoslavs, Italians, Poles and Rumanians: "The representatives of Slav and Latin nations which for centuries have suffered under foreign oppression, assembled in Prague this 17th day of May, 1918, have united in a common desire to do all in their power in order to assure full liberty and independence to their respective nations after this terrible war. They are agreed that a better future for their nations will be founded and assured by world democracy, by real and sovereign national people's government, and by a universal League of Nations endowed with the necessary authority. They reject emphatically all steps taken by Governments without the consent of the peoples. They are convinced that the peace which they, together with all other democratic parties and nations, are striving for will only be a just and lasting peace if it will liberate the world from the predominance of one nation over another, and thus enable all nations to defend themselves against aggressive Imperialism. All the nations represented are determined to help each other, since the victory of one is also the victory of the other and is not only in the interests of the nation concerned but in the interests of civilization, of fraternity, and equality of nations and of true humanity." *The Times* (London), May 29, 1918, p. 5, col. 4.

even of a world legislature, is not new. St. Pierre proposed a common legislature for the "Republic of Europe" at a time when, American independence being as yet a thing of the remote future, a "Republic of Europe" would be the "Republic of the World." But at that time there was as yet no sufficient psychological preparation, and there was as yet no way of providing an adequate executive. Since then, America has set the example of a practical settlement. Even before this war the bonds of union between different countries had been growing. Now practically the whole civilized world is united in its struggle against Germany and her allies, as representing the old order of things and expressing it in a particularly vicious way. Let us take to heart the words of Hamilton:

" . . . the kindred blood which flows in the veins of American citizens, the mingled blood which they have shed in defense of their sacred rights, consecrate their union. . . . But why is the experiment of an extended republic to be rejected, merely because it may comprise what is new? Is it not the glory of the people of America, that whilst they have paid a decent regard to the opinions of former times, and other nations, they have not suffered a blind veneration for antiquity, for custom, or for names, to overrule the suggestions of their own good sense? . . . Happily for America, happily, we trust, for the whole human race, they pursued a new and a more noble course. . . . They formed the design of a great Confederacy, which it is incumbent on their successors to improve and perpetuate. . . ."⁴⁹

Substitute "civilized mankind," or, if you prefer, "the Allies and associates", for "Americans." Improve, perpetuate, widen, for the good of the whole human race, the work of the leaders of American thought in those days. Then

" . . . the time shall come
When man to man shall be a friend and brother."

Ludwik Ehrlich

University of California,
Berkeley, California.

⁴⁹ The Federalist, no. XIV.